

REMARKS

In response to the Office Action mailed on December 23, 2003, Applicants respectfully request reconsideration. To further the prosecution of this application, each of the issues raised in the Office Action is addressed herein.

Claims 2-38, 40-70 and 72 were previously pending in this application, of which claims 8, 19, 42, 43, 44, 45, 49, 52 and 53 are independent claims. By this Amendment, claims 2-5, 9-10, 12-13, 18, 26-27, 30-34, 41, 57-58, 60-61, 65-66, 68-70 and 72 have been amended, and claims 8, 11, 19-25, 28-29, 49-56 and 59 have been canceled. Claims 73 and 74 have been added. As a result claims 2-7, 9-10, 12-18, 26-27, 30-38, 40-48, 57-58, 60-70, 72-74 are pending for examination with claims 8, 9, 10, 12, 13, 26, 27, 31, 34, 42, 43, 44, 45, 57, 58, 65, 68, 69, 70, 72 and 73 being independent claims. The application as now presented is believed to be in allowable condition.

A. Allowed Claims/Allowable Subject Matter

Applicants note with appreciation that on page 6 of the Office Action, claims 40-48 are allowed, and claims 9-10, 12-17, 26-27, 31, 34-38, 57-58, 65, 68-70, and 72 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Note that in item 9 of page 6, the Office Action indicates that claims "57-57" (sic) are allowed. Because no specific rejection of claim 58 occurs in the Office Action, the Applicants believe that it was intended that claims 57-58 were to be indicated as allowable. The Applicants proceed with this understanding.

While not acceding to the propriety of any claim rejections over prior art set forth in the Office Action, Applicants have rewritten some claims and canceled others solely to accept the subject matter deemed allowable by the Examiner, so as to expedite the prosecution of this application towards allowance.

Dependent claims 9, 10 and 12, each of which was indicated as containing allowable subject matter, have each been rewritten to include the subject matter of independent claim 8; thus, claims 9, 10, and 12 are now in condition for allowance.

Additionally, dependent claim 13, which was indicated as containing allowable subject matter, has been rewritten to include the subject matter of independent claim 8; thus, claim 13 is now in condition for allowance. Claims 2-7, 14-17 and 18 depend from claim 13, and are allowable based at least upon their dependency.

Claim 34, which was indicated as allowable, has been rewritten to include the subject matter of base claim 19; thus, claim 34 is now in condition for allowance. Claims 35-38 depend from claim 34 and are allowable based at least upon their dependency.

Claim 26, which was indicated as allowable, has been rewritten to include the subject matter of base claim 19 and intervening claim 24; thus, claims 26 is now in condition for allowance. Claim 30 depends from claim 26, and is allowable based at least upon its dependency.

Additionally, claim 27, which was indicated as allowable, has been rewritten to include the subject matter of base claim 19 and intervening claim 24; thus, claims 27 is now in condition for allowance.

Further, claim 72, which was indicated as allowable, has been rewritten to include the subject matter of base claim 19 and intervening claims 24 and 28; thus, claim 72 is now in condition for allowance.

Yet further, claim 31, which was indicated as allowable, has been rewritten to include the subject matter of base claim 19 and intervening claims 24, 29 and 30; thus, claim 31 is now in condition for allowance. Claims 32 and 33 depend from claim 31, and are allowable based at least upon their dependency.

Claim 57, which was indicated as allowable, has been rewritten to include the subject matter of their base claim 53; thus, claims 57 is now in condition for allowance. Claims 60 and 61 depend from claim 57, and are allowable based at least upon their dependency.

Claims 58 which was indicated as allowable, has been rewritten to include the subject matter of its base claim 53; thus, claims 58 is now in condition for allowance.

Additionally, claims 68-70, which were each indicated as allowable, have each been rewritten to include the subject matter of their base claim 53 and intervening claim 61; thus, claims 68-70 are now in condition for allowance.

Further, claim 65, which was indicated as allowable, has been rewritten to include the subject matter of base claim 53 and intervening claims 61, 62 and 64; thus, claim 65 is now in

condition for allowance. Claim 66 depends from claim 65, and is allowable based at least upon its dependency.

In view of the foregoing, it is respectfully believed that all of the claims now are in condition for allowance.

B. Claim Objections

On page 2 of the Office Action, claims 3, 8, 19, 30, 41-45, 49, 52, 60, 64 and 67 were objected to because of informalities.

Claim 3 was amended to change “a” to “the” to overcome the objection to claim 3 in the Office Action.

Claim 30 was amended to change “a” to “the” to overcome the objection to claim 30 in the Office Action.

Claim 41 was amended to change “a” to “the” to overcome the objection to claim 41 in the Office Action.

Claim 60 was amended to change “a” to “the” to overcome the objection to claim 60 in the Office Action.

The Applicants respectfully disagree with the objections to claims 42-45 and 64. In each instance the term “a color” has no antecedent basis. Accordingly, use of the term “the color” would be improper.

The Applicants respectfully disagree with both of the objections to claim 67. The terms “a first selector” and “a second selector” have no antecedent bases. Accordingly, amending claim 67 to recite the terms “the first selector” and “the second selector” would be improper. Claim 67 is not amended.

As indicated above, each of claims 8, 19, 49 and 52 was canceled herein. Accordingly, the objections to claims 8, 19, 49 and 52 are moot. However, the subject matter of claims 8 and 19 has been incorporated into other claims as indicated in section A.) above. Accordingly, the objections to said claims are addressed as follows.

The Applicants respectfully disagree with the objections to claim 8 and claim 19. In each said claim, the term “a color” has no antecedent basis. Accordingly, amending to recite the term “the color” would be improper.

C. Claim Rejections under 35 U.S.C. §112

On page 3 of the Office Action, claims 43-45 and 49 were rejected under 35 U.S.C. §112, second paragraph. Claim 49 has been canceled in the present application. Accordingly, the rejection of claim 49 is moot.

The Applicants traverse the rejections of claims 43-45. The second step of the method recited in each of these claims, which is clearly labeled “b)” in each claim, recites an act of remotely controlling at least a color of variable color radiation. The “wherein clause” in each claim further specifies a corresponding act b). In claim 43, the wherein clause specifies that act b) comprises an act of remotely controlling the variable color radiation based on at least one detectable condition. In claim 44, the wherein clause specifies that act b) comprises an act of controlling the variable color radiation based on at least one audio signal. In claim 45, the wherein clause specifies that act b) comprises an act of remotely controlling the variable color radiation based on information obtained from a data network.

Accordingly, the Applicants believe that claims 43-45 particularly point out and distinctly claim the recited subject matter to be claimed in each claim.

D. Claim Rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a)

On pages 3 and 4 of the Office Action, claims 49-52 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,133,722, to Havel (hereinafter “Havel”); and on page 4 of the Office Action, claims 2-8, 11, 18-25, 28-30, 32-33, 53-56, 59-64, and 66-67 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Havel. These rejections are rendered moot by the amendments herein, which were made solely to expedite prosecution of this application toward allowance by accepting subject matter deemed allowable by the Examiner. Applicants do not necessarily concede that the foregoing rejections are proper, and reserve the right to file one or more related applications directed to the subject matter of the claims prior to the amendments herein.

E. Information Disclosure Statements

Applicants respectfully request that the Examiner provide initialed copies of 1449 forms filed on January 7, 2004 (first reference Campagna), and April 10, 2003 (first reference Evans).

Conclusion

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,

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